

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

CNG AUTO GROUP, INC. d/b/a TOP
WHEELS; ELONTO R. HERNANDEZ COLON;
and JULISSA M. FUENTES RIVERA,

Defendants.

CIVIL NO. 15-1824 (JAG)

Breach of Contract,
Collection of Monies,
Repossession of Personal Property

**MOTION REQUESTING EXECUTION OF DEFAULT JUDGMENT, ORDER,
AND WRIT FOR EXECUTION AND GARNISHMENT OR ATTACHMENT OF ASSETS**

TO THE HONORABLE COURT:

COMES NOW, Plaintiff NextGear Capital, Inc. ("Plaintiff" or "NextGear"), through the undersigned counsel, and very respectfully states, alleges, and prays as follows:

1. On January 25, 2017, this Court entered a Default Judgment in favor of Plaintiff, NextGear, and against Defendants, CNG Auto Group, Inc. d/b/a Top Wheels; Elonto R. Hernández Colón; and Julissa M. Fuentes Rivera, in the amount of \$556,889.87. See Docket No. 65. This judgment is final, binding, and has not been satisfied.

2. In light of the above, NextGear respectfully requests that any cash, checks, monies in banks or other institutions, accounts receivable, promissory notes, stock, bonds, shares, machinery and equipment, securities, parts and tools, real property and any other property belonging CNG Auto Group, Inc. d/b/a Top Wheels; Elonto R. Hernández Colón; and Julissa M. Fuentes Rivera be attached and/or garnished, up to the total value of \$556,889.87 owed to NextGear, plus interest, costs and attorney's fees.

3. NextGear requests that the Honorable Court order the sale of the below listed repossessed vehicles through public auction in order to apply the proceeds thereof to Defendants' \$556,889.87 debt:

- a. 2013 Blue Hyundai Accent, VIN: KMHCT4AE6DU388867;
- b. 2013 Blue Nissan Versa, VIN: 3N1CN7AP2DL822250;
- c. 2013 Gray Nissan Versa, VIN: N1CN7AP5DL822212;
- d. 2013 White Nissan Versa, VIN: 3N1CN7AP0DL832081;
- e. 2013 Gray Nissan Versa, VIN: 3N1CN7AP1DL840027;
- f. 2013 Silver Nissan Versa, VIN: 3N1CN7AP1DL832140;
- g. 2013 White Ford Fiesta, VIN: 3FADP4BJ0DM161404;
- h. 2013 Red Ford Fiesta, VIN: 3FADP4BJ8DM161411;
- i. 2013 Gray Kia Forte, VIN: KNAFT4A27D5716621;
- j. 2013 Brown Kia Forte, VIN: KNAFT4A23D5716633;
- k. 2013 Blue Kia Forte, VIN: KNAFT4A24D5716642;
- l. 2010 Blue Mini Cooper, VIN: WMWMR3C5XATU97622;
- m. 2008 Black Mercedes C Class, VIN: WDDGF54X88F050483;
- n. 2013 Red Nissan Frontier, VIN: 1N6BD0CT4DN731930;
- o. 2011 White Ford Escape, VIN: 1FMCU0C73BKB38063;
- p. 2012 Silver Toyota Yaris, VIN: JTDBT4K30C1419656;
- q. 2013 Blue Hyundai Accent, VIN: KMHCT4AE2DU545696;
- r. 2012 Gray Ford Fiesta, VIN: 3FADP4BJXCM123287;
- s. 2014 Gray Toyota Tacoma, VIN: 5TFJU4GN1EX051359;
- t. 2012 Blue Mini Cooper, VIN: WMWZF3C52CT488852.

4. It is further requested that the Clerk of this Court issue a Writ of Garnishment directing each of the following entities in Puerto Rico to freeze any and all assets in any and all accounts that CNG Auto Group, Inc. d/b/a Top Wheels; Elonto R. Hernández Colón; and Julissa M.

Fuentes Rivera hold at said institutions, in order to cover the total value of \$556,889.87 owed to NextGear, plus interest, costs and attorney's fees:

- a. Banco Popular de Puerto Rico
- b. Citibank, N.A.
- c. Doral Bank
- d. First Bank
- e. Banco Santander de PR
- f. Scotiabank
- g. Oriental Bank
- h. Banesco Banco Internacional PR
- i. UBS
- j. Popular Securities
- k. Santander Securities
- l. Merrill Lynch
- m. Oriental Securities
- n. Charles Schwab & Co., Inc.

5. It is also requested that Yma González Marrero, a disinterested person in the case at caption, be designated as the Special Master (depository and custodian) of any property of CNG Auto Group, Inc. d/b/a Top Wheels; Elonto R. Hernández Colón; and Julissa M. Fuentes Rivera that may be attached.

6. **Yma González Marrero's** address is Camino del Mar, Plaza Marina, CH-14 Toa Baja, Puerto Rico; postal address is: P.O. Box 51405, Toa Baja, Puerto Rico 00950-1405; Email: ymagonzalez@gmail.com, and telephone number: (787) 594-3282.

7. Thus, NextGear submits the following proposed papers for this Honorable Court's consideration: (i) Order for Execution of Judgment; and (ii) Writ for Execution of Judgment and Garnishment of Assets for each Defendant.

WHEREFORE, NextGear respectfully moves this Honorable Court to grant this Motion for Execution of Judgment and issue the Order and Writ for Execution of Default Judgment and Garnishment or Attachment of Assets (proposed copies of which are attached hereto) and attach any and all property owned by CNG Auto Group, Inc. d/b/a Top Wheels; Elonto R. Hernández Colón; and Julissa M. Fuentes Rivera, including any property of third parties, to satisfy the judgment in full.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to plaintiffs since defendants are in default.

In San Juan, Puerto Rico, this 24th day of February, 2017.

McConnell Valdés LLC

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